

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL GONZALES,

Plaintiff,

v.

EDWARD TAYLOR et al,

Defendants.

CASE NO. 2:22-cv-01658-DGE-

BAT

ORDER ADOPTING IN PART  
REPORT AND  
RECOMMENDATION (DKT. NO.  
3)

Having reviewed the Report and Recommendation (Dkt. No. 3) of the assigned, United States Magistrate Judge Brian A. Tsuchida, any objections, and the remaining record, the Court finds and ORDERS:

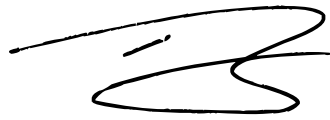
(1) The Court ADOPTS in part the Report and Recommendation.

(2) The case is DISMISSED without prejudice. *See Porter v. Howard*, 531 F. App'x 792, 793 (9th Cir. 2013) (“[I]f the court concludes that a prisoner has failed to exhaust, the proper remedy is dismissal of those claims without prejudice.”); *see also Jackson v. Patzkowski*, No.

1 C18-1508-RSM-MLP, 2020 WL 13219613, at \*15 (W.D. Wash. July 14, 2020), *report and*  
2 *recommendation adopted*, No. C18-1508-RSM-MLP, 2022 WL 1186208 (W.D. Wash. Apr. 21,  
3 2022).

4 (3) The Clerk is directed to send copies of this Order to the Plaintiff.

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6 Dated this 25th day of January, 2023.

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David G. Estudillo  
United States District Judge